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67.010-005
H2602-FN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Rogan, et al.
Serial No.: 09/924,372
Filed: 08/08/2001
Group Art Unit: 3621
Examiner: Bayat, Bradley B.
For: METHOD AND SYSTEM FOR ELECTRONICALLY
PROCESSING TRANSACTIONS

RESPONSE

Commissioner For Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is responsive to the Office Action mailed on July 12, 2005. Applicant respectfully requests reconsideration of this application.

There is no *prima facie* case of obviousness under 35 U.S.C. §103 and none of Applicant's claims can be considered obvious. There is no motivation for making the proposed combination of *Savino, et al.* and *Sandhu, et al.* Where a proposed combination goes contrary to the teachings of the primary reference, there is no motivation for making it and the combination cannot be made. In this instance, *Savino, et al.* explicitly teach that information associated with the bar code of that reference is only entered by the customer in order to ensure reliability of such information. (See, e.g., column 4, lines 17-35 and 45-47). If one were to modify *Savino, et al.* by incorporating teachings from *Sandhu, et al.* in an attempt to somehow make an arrangement consistent with

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Applicant's invention, that would require violating the intentions of the *Savino, et al.* reference. Such a modification cannot be made. There is no *prima facie* case of obviousness.

The proposed addition of the teachings of *Johnston* does not remedy the defect in the base combination. None of Applicant's claims can be considered obvious.

This case is in condition for allowance and has now been pending for more than four years. Applicant respectfully requests a Notice of Allowance as soon as possible.

Respectfully submitted,

CARLSON, GASKEY & OLDS

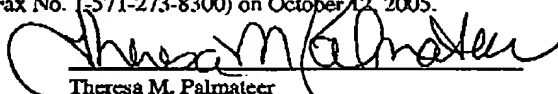
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Dated: October 12, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this Response relative to Application Serial No. 09/924,372 is being facsimile transmitted to the Patent and Trademark Office (Fax No. 1-571-273-8300) on October 12, 2005.


Theresa M. Palmateer

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